

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

IN CLERK'S OFFICE
U.S. DISTRICT COURT, N.Y.

SARAH COLON

★

AUG 30 2005

P.M. _____
TIME A.M. _____

JUDGMENT INCLUDING SENTENCE
UNDER THE SENTENCING REFORM ACT

CASE NUMBER: CR-03-1119 (ARR)

CHARLES HOCHBAUM, ESQ

44 COURT STREET, SUITE 307
BROOKLYN, NEW YORK 11201

Defendant's Attorney & Address

THE DEFENDANT:

XXX pleaded guilty to count one of the indictment.

— was found guilty on counts

after a plea of not guilty.

Accordingly, the defendant is ADJUDGED guilty of such count(s), which involve the following offenses:

TITLE & SECTION
18 USC 473

NATURE & OFFENSE
DEALING IN COUNTERFEIT
UNITED STATES CURRENCY.

COUNT NUMBER(S)
ONE (1)

The defendant is sentenced as provided in pages 2 through of this Judgment.
The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

— The defendant has been found not guilty on count(s) and is discharged as to such count(s).

— Remaining counts are dismissed on the motion of the United States.

XXX It is ordered that the defendant shall pay to the United States a special assessment of \$100.00 which shall be due XXX immediately as follows:

It is further ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Defendant's Soc. Sec # 120-58-0441

AUGUST 15, 2005

Date of Imposition of Sentence

Defendant's Date of Birth 7/23/73

ALLYNE R. ROSS, U.S.D.J.

AUGUST 15, 2005

Date

Defendant's Mailing Address:

214 SCHAEFER STREET, APT 1R

BROOKLYN, NEW YORK 11207

Defendant's Residence Address:

(SAME AS ABOVE)

A TRUE COPY ATTEST

Date: _____

ROBERT C. HEINEMANN

CLERK OF COURT

By: _____

DEPUTY CLERK

PROBATION

The defendant is hereby placed on probation for a term of five (5) years.

While on probation, the defendant shall not commit another Federal, state, or local crime and shall comply with the standard conditions that have been adopted by this court (set forth on the following page). If this Judgment imposes a fine or a restitution obligation, it shall be a condition of probation that the defendant pay any such fine or restitution. The defendant shall comply with the following additional conditions:

- 1) DEFT SHALL PARTICIPATE IN SUBSTANCE ABUSE TREATMENT WITH A TREATMENT PROVIDER SELECTED BY THE PROBATION DEPARTMENT. TREATMENT MAY INCLUDE OUTPATIENT OR RESIDENTIAL TREATMENT AS DETERMINED BY THE PROBATION DEPARTMENT. DEFT SHALL ABSTAIN FROM ALL ILLEGAL SUBSTANCES AND/OR ALCOHOL. DEFT SHALL CONTRIBUTE TO THE COST OF SERVICES RENDERED VIA CO-PAYMENT OR FULL PAYMENT IN AN AMOUNT TO BE DETERMINED BY THE PROBATION DEPARTMENT, BASED UPON THE DEFT'S ABILITY TO PAY AND/OR THE AVAILABILITY OF THIRD PARTY PAYMENT.
- 2) DEFT SHALL PARTICIPATE IN A MENTAL HEALTH TREATMENT PROGRAM APPROVED BY THE PROBATION DEPARTMENT. DEFT SHALL CONTRIBUTE TO THE COST OF SERVICES RENDERED OR ANY PSYCHOTROPIC MEDICATIONS PRESCRIBED VIA CO-PAYMENT OR FULL PAYMENT IN AN AMOUNT TO BE DETERMINED BY THE PROBATION DEPARTMENT, BASED UPON THE DEFT'S ABILITY TO PAY AND/OR THE AVAILABILITY OF THIRD PARTY PAYMENT
- 3) DEFT SHALL NOT POSSESS ANY FIREARMS.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on probation or supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) the defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) the defendant shall support his or her dependents and meet other family responsibilities;
- 6) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) the defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

FINE WITH SPECIAL ASSESSMENT

The defendant shall pay to the United States the sum of \$ 100.00, consisting of a fine of \$ N/A and a special assessment of \$ 100.00.

— These amounts are the totals of the fines and assessments imposed on individual counts, as follows:

This sum shall be paid immediately
 as follows:

XXX The Court has determined that the defendant does not have the ability to pay any fines, cost of confinement or supervision.

— The interest requirement is waived.
— The interest requirement is modified as follows:

Findings

2

1 THE COURT: Well, let me start by saying that
2 for the reasons expressed at the close of the prior
3 hearing on January 12th of 2005, I do find that the
4 defendant's guidelines calculation is a level 13,
5 Category 1 carrying of a range of imprisonment of 12 to
6 18 months.

7 Let me start by saying that I have considered
8 the guidelines calculation in this case. Turning to the
9 other statutory factors, I do find it relevant to history
10 and characteristics of the defendant the fact the
11 defendant has sole custody of two school-age children,
12 ages 14 and six and if she is incarcerated there is no
13 apparent caretaker for the children, as a result of which,
14 the children would likely end up in the foster care system.
15 Although the defendant's sister-in-law Wilda Perez cared
16 for the children for, approximately, one and a half years
17 ending in September of 2003, Ms. Perez has submitted an
18 affidavit indicating the reasons for her inability and
19 unwillingness to do so at this time and I have no reason
20 to doubt the veracity of her statements. Nor is there any
21 other evident caretaker especially given that the
22 children's father has already been found unfit to assume
23 custody.

24 Since there is no other evident caretaker, it
25 would be an extreme hardship on the children were they to

Findings

3

1 be placed in the foster care system. Even under a
2 guidelines analysis, I believe that this would warrant a
3 departure for extraordinary family circumstances, but in
4 any event, it is of substantial significance in assessing
5 the pertinent statutory factors.

6 As to the personal characteristics of the
7 defendant, I also note that she has had serious mental
8 health problems in the past that have manifested
9 themselves in four suicide attempts and that she was
10 sexually abused at the age of 12 by her mother's
11 boyfriend.

12 Given these circumstances, coupled with the
13 nature and circumstances of the defendant's offense which
14 was the photocopying of \$6,000 of counterfeit currency and
15 its sale to an undercover agent, I find that a very
16 lengthy probationary sentence would suffice in this case
17 to reflect the seriousness of the offense and provide just
18 punishment.

19 I believe it would also afford adequate
20 deterrence and protection of the public as I am confident
21 that defendant's remorse for her conduct is genuine and
22 that she will not again stray into illegal conduct.

23 Indeed I'm sure she knows what it means should
24 she ever do so: You will be back in front of me and there
25 will be no more stretching to help you.

Findings

4

I also find that a lengthy probationary sentence coupled with rigorous special conditions will assure appropriate correctional treatment of the defendant in the most effective manner and will be consistent with the goals of avoiding unwarranted sentencing disparities.

I therefore sentence the defendant to a period of five years probation with a number of special conditions. I'm going to require that she participate in any substance abuse treatment recommended by the probation department. It may include outpatient or residential treatment and that she abstain from all illegal substances and/or alcohol.

I'm also going to require that she participate in my mental health treatment program with a provider selected by the probation department. The defendant shall contribute to the cost of any of these services rendered or any medications prescribed by copayment or full payment in an amount to be determined by the probation department based on her ability to pay and/or the availability of third-party payment.

I also prohibit the possession of a firearm. I make the finding that she is unable to pay a fine, but I will impose the mandatory \$100 special assessment.

24

25

Findings

5

1

2

3

4

* * *

CERTIFICATE OF REPORTER

5 I certify that the foregoing is a correct transcript of
6 the record of proceedings in the above-entitled matter.

7

8

9


Anthony D. Frisolone, CSR, RMR, CRR, CRI
Official Court Reporter

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Anthony D. Frisolone, CSR, RMR, CRR, CRI
Official U.S. District Court Reporter